

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TIMOTHY ROBERT PETROZZI,

Petitioner,

V.

THURSTON COUNTY SUPERIOR  
COURT, THURSTON COUNTY  
CORRECTIONS, WASHINGTON  
STATE DSHS, and WESTERN STATE  
HOSPITAL.

## Respondents.

CASE NO. 3:17-cv-05677-RBL-JRC

## ORDER ON MOTION TO STRIKE AND MOTION TO AMEND

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creature. The Court's authority for the referral is 28 U.S.C. §§ 636 (b)(1)(A) and (B) and local Magistrate Judge Rules MJR3 and MJR4.

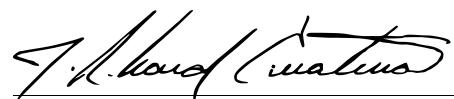
Petitioner Timothy Robert Petrozzi has filed a motion asking the Court to strike an earlier praecipe and “page 442” from his supplement. Dkt. 33. Petitioner states that “page 442” was not intended to be submitted with his other materials. *Id.* Because these are both petitioner’s own filings, and because respondent has not yet been served with the petition, the Court grants

1 petitioner's motion to strike. It will not consider petitioner's praecipe (Dkt. 17) or page 442 of  
2 his supplement (Dkt. 16) during its determination of his habeas petition.

3 Petitioner has also filed a motion to amend, requesting that the Court allow him to attach  
4 a summons and complaint to his amended petition. Dkt. 34. To the extent petitioner is asking the  
5 Court for leave to file an amended petition, the Court had already provided petitioner until June  
6 22, 2018 to file an amended petition when he filed his motion on June 18, 2018. Thus, petitioner  
7 already had leave to amend when he filed his motion. Further, he signed his amended petition on  
8 June 21, 2018, before the deadline for filing an amended petition had lapsed. Thus, he filed his  
9 amended petition within the initial deadline and his motion to amend is moot.

10 Insofar as petitioner requests to include a "summons and complaint" with his petition,  
11 this is a federal habeas proceeding, not a civil suit. As such, petitioner may not properly file a  
12 complaint or summons. If he desires damages or relief other than overturning his convictions and  
13 release from confinement, he should include them in a separate civil suit. Plaintiff's motion to  
14 amend (Dkt. 34) is denied as moot.

15 Dated this 6th day of July, 2018.

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18 J. Richard Creatura  
19 United States Magistrate Judge  
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